

COMMONWEALTH OF KENTUCKY

**RECEIVED**

BEFORE THE PUBLIC SERVICE COMMISSION

OCT. 26 2004

In the matter of:

PUBLIC SERVICE  
COMMISSION

AN ADJUSTMENT OF THE GAS AND  
ELECTRIC RATES, TERMS, AND CONDITIONS  
OF LOUISVILLE GAS AND ELECTRIC  
COMPANY

)  
) CASE NO.  
) 2003-00433

AND

AN ADJUSTMENT OF THE ELECTRIC RATES,  
TERMS, AND CONDITIONS OF KENTUCKY  
UTILITIES COMPANY

) CASE NO.  
) 2003-00434  
)

ATTORNEY GENERAL'S FILING OF LIST OF REQUESTED ITEMS

Pursuant to the Commission's October 22, 2004 Order, the Attorney General files the following list of items which it seeks the PSC's assistance in obtaining from Louisville Gas & Electric Company, Kentucky Utilities and their related entities, under authority of KRS 278.230 in furtherance of the Attorney General's investigation. If a document has previously been provided, it need not be produced again. It should be noted regarding requests for LG&E corporate credit card statements, the Attorney General issued a September 13, 2004 Civil Investigative Demand upon American Express requiring the records to be produced by October 4, 2004. LG&E moved the Franklin Court for a Protective Order which motion was denied in an order dated October 12, 2004. Despite this Order, American Express has failed to produce all of the records requested and has now taken the position that it will not produce records for LG&E Energy LLC absent a second CID. The Attorney General is attempting to obtain the records, however it seeks the PSC's assistance in utilizing its authority under KRS 278 to

obtain these records directly from LG&E.

For purposes of the follow requests, there are recommended Definitions and Instructions attached hereto as Appendix 1.

### **List of Requested Information and Documents**

The following “report” is requested pursuant to KRS 278.230(3):

1. Identify each and every communication and the subject matter thereof for each social or personal meeting, party, gathering, or event at which you and employees of the Kentucky Public Service Commission were present between January 1, 2002 and June 30, 2004. Include in the identification, the date and location of the meeting and the identity of each person present or witness to said meeting including their name, employer, position, business address and telephone number.

The following documents are requested pursuant to KRS 278.230(2):

1. All documentation relating to meetings, conferences, receptions, plant tours, “meet and greets”, meals or any other gathering or event attended by you and employees of the Kentucky Public Service Commission between January 1, 2002 and June 30, 2004.
2. All documentation relating to meetings, conferences, receptions, plant tours, “meet and greets”, meals or any other gathering or event, personal or professional, attended by PSC Commissioners, Executive Director, Deputy Executive Director, Division Directors, Assistant Division Directors, Branch Managers, or attorneys within the Division of General Counsel between January 1, 2002 and June 30, 2004, which meetings, etc. were paid for in part or in full by LG&E and its related entities. Documentation requested includes, but is not limited to, documents related to LG&E’s payment for goods, services or recreation of any sort at all SEARUC, NARUC or other gathering or event during this time period including the reception for E.ON representatives held in July 2003 at the Kentucky Derby Museum. Documentation shall include, but not be limited to, credit card records, invoices from providers of goods and services or other vendors, cancelled checks, reimbursement requests from vendors of goods or services, reimbursement requests from PSC employees or LG & E or affiliate employees, or any other documentation reflecting expenditures from LG & E regarding the above-referenced matters.
3. All documents regarding LG&E’s payment for goods, services or recreation of any sort(s) or expenses incurred for meals and beverages at **Kentucky Night Events** at all SEARUC, NARUC or similar conferences during this

time period. Documentation shall include, but not be limited to, unredacted credit card records, invoices from providers of goods and services or other vendors, cancelled checks, reimbursement requests from vendors of goods or services, reimbursement requests from PSC employees or LG & E or affiliate employees, or any other documentation reflecting expenditures from LG & E regarding the above-referenced matters.

4. All documentation concerning LG&E's lobbying expenditures, including lobbying of legislative entities/employees and lobbying of executive branch entities/employees, (whether or not such lobbying requires filing of documentation with state agencies) between January 1, 2002 and June 30, 2004. Documentation shall include, but not be limited to, unredacted credit card records, invoices from providers of goods and services or other vendors, cancelled checks, records of meetings, reimbursement requests from vendors of goods or services, reimbursement requests from PSC employees or LG & E or affiliate employees, or any other documentation reflecting expenditures from LG & E regarding the above-referenced matters.
5. Copies of all credit card statements/bills, unredacted, for LG & E corporate accounts for the period of January 1, 2002 through June 30, 2004.
6. Copies of all corporate cell phone records for the following employees from January 1, 2002 through July 30, 2004:
  - a. Mike Beer
  - b. George Siemens
  - c. Vic Staffieri
  - d. John McCall
  - e. John Wolfram
  - f. Kent Blake
7. Copies of all documents "**related to**" communications with employees of the PSC between January 1, 2003 and June 30, 2004 which such documents were created, reviewed, or in the possession of the following employees:
  - a. Mike Beer
  - b. George Siemens
  - c. Vic Staffieri
  - d. John McCall
  - e. John Wolfram
  - f. Kent Blake
  - g. Dot O'Brien
  - h. Linda Portasik
  - i. Brad Rives
  - j. Paul Thompson
  - k. Chris Hermann

8. Copies of all documents related to LG&E policies and procedures regarding lobbying and contacts with the PSC.
9. Copies of all documentation related to any social or personal meetings identified pursuant to the report prepared as requested pursuant to KRS 278.230(3) above, including but not limited to invitations, correspondence, cancelled checks, credit card or debit card statements, invoices from providers of goods and services or other vendors, and reimbursement requests from vendors of goods or services.

Respectfully submitted,

GREGORY D. STUMBO  
ATTORNEY GENERAL

By:   
Pierce Whites, Deputy Assistant Attorney General  
Janet Graham, Deputy Assistant Attorney General  
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Office of the Attorney General  
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that the foregoing List was served upon the parties in the attached service list by first class mail on this the 26<sup>th</sup> day of October, 2004.

  
Assistant Attorney General

# Appendix 1

## DEFINITIONS

For purposes of responding to this request pursuant to KRS 278.230, the following words shall have the following meaning.

1. The term “**Communication**” means a transmittal of information, or request for information, by document or by any other means. If such communication was contained or memorialized in a document, you must provide the document.
2. The term “**Document**” means the original and all non-identical copies (whether different from the original because of notes, underlining, attachments, or otherwise) of any written, typed, printed, or recorded material by any other means, including without limitation, agendas, agreements, analyses, announcements, audits, booklets, books, brochures, calendars, charts, contracts, correspondence, facsimiles (faxes), film, graphs, letters, memos, maps, minutes, notes, notices, photographs, reports, schedules, summaries, tables, tape, computer, or digital recordings, and telegrams.
3. The term “**Kentucky Public Service Commission**” means the Kentucky Public Service Commission, its agents, independent contractors, directors, employees, officers, commissioners and representatives; and any other person or Entity acting on behalf of the Kentucky Public Service Commission.
4. The term “**Kentucky Utilities Company**” means Kentucky Utilities Company, its domestic or foreign parents, including, LG& E Energy LLC and any other affiliated company, subsidiary, division, joint venture or other Entity having at least 10% ownership interest in Kentucky Utilities Company, its agents, independent contractors, directors, employees, officers, and representatives; and merged, consolidated or acquired predecessors; and any other person or Entity acting on behalf of Kentucky Utilities Company.
5. The term “**LG&E Energy LLC**” means LG&E Energy LLC, its domestic or foreign parents, and any other affiliated company, subsidiary, division, joint venture or other Entity having at least 10% ownership interest in LG&E Energy LLC, its agents, independent contractors, directors, employees, officers, and representatives; and merged, consolidated or acquired predecessors; and any other person or Entity acting on behalf of LG&E Energy LLC.

6. The term “**Louisville Gas & Electric Company**” means Louisville Gas & Electric Company, its domestic or foreign parents, including, LG& E Energy LLC and any other affiliated company, subsidiary, division, joint venture or other Entity having at least 10% ownership interest in Louisville Gas & Electric Company, its agents, independent contractors, directors, employees, officers, and representatives; and merged, consolidated or acquired predecessors; and any other person or Entity acting on behalf of Louisville Gas & Electric Company.
7. The term “**Regarding,**” **Relate to,**” and “**Relating to**” shall mean regarding, relating to, consisting of, referring to, reflecting, manifesting, prepared in connection with, in comparison to, describing, containing, attesting to, or being in any way legally, logically, or factually connected with the matter discussed, whether directly or indirectly.
8. The term “**You,**” and “**your,**” means “Louisville Gas & Electric Company,” “LG&E Energy, LLC, Kentucky Utilities Company, their agents, independent contractors, directors, employees, officers and representatives; and any other person or Entity acting on behalf of Louisville Gas and Electric Company.

### **INSTRUCTIONS**

1. Each document request shall be construed to include documents within the knowledge, possession, or control of the party, its attorneys, investigators, agents, owners, officers, employees, or other representatives of the party and/or its attorneys, as of the date of the answers given to those documents requests and any supplemental information, knowledge, data, documents, or communication responsive to these document requests which is subsequently obtained, or discovered.
2. If production is requested of a document that is no longer in your possession, custody, or control, your response should state when the document was most recently in your possession, custody, or control, how the document was disposed of, and the identity of the person, if any, presently in possession, custody, or control of such document.
3. If you claim privilege as a ground for not providing documents in response to any document request, describe the factual basis for said claim of privilege in sufficient detail so as to permit the court to adjudicate the validity of the claim, including the date the document was prepared, its title, the author, the addressees, all recipients, and the general subject matter.
4. If the response to any document request consists, in whole or in part of any objection(s), state with specificity the full objection(s) and the

particularized basis for each said objection.

5. Documents should be produced as they are maintained in the normal course of business, and thus if documents are maintained in electronic form, they should be produced in electronic form. Data must be produced in the data format in which it is typically used and maintained. Moreover, to the extent a responsive document has been electronically scanned (for any purpose), that document must be produced in a readable and accessible electronic format, with the opportunity provided to review the original document(s).
6. To the extent that you object to any portion of a document request, you must respond to the remaining portion of the request to which you do not object.
7. If any document or record requested to be produced in response to the Requests has been destroyed, identify the document requested to be produced, the date of the destruction, and the name of the person who ordered or authorized the destruction.
8. Whenever a document is not produced in full, or is produced in redacted form, so indicate on the document, and state with particularity the reason or reasons it is not being produced in full, and describe to the best of your knowledge, information and belief, and with as much particularity as possible, those portions of the document which are not being produced.

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COMBINED SERVICE LISTS 2003-433 & 434